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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,673	02/14/2001	Peter M. Mansour	SPROQ1100-1	9661
29585	7590	09/21/2006	EXAMINER	
DLA PIPER RUDNICK GRAY CARY US LLP 153 TOWNSEND STREET SUITE 800 SAN FRANCISCO, CA 94107-1907			DOAN, DUYEN MY	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/783,673

Applicant(s)

MANSOUR ET AL.

Examiner

Duyen M. Doan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/31/06 has been entered. The text of those sections of Title 35, U.S. Code not included in this office action can be found in a prior Office Action. Claims 1-53 are amended for examination.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 and 17-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Filepp et al. (hereinafter Filepp), (US 5,347,632) and Kikinis, (US 5,727,159) and further in view of Makipaa (us pat 6,556,217).

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As regarding claim 1, Filepp teaches a data processing method comprising: generating, with a client device, a particular form of a client-resident intermediate user interface (UI) for a server-based and client-side controlled application according to a UI format (Filepp, Col. 10, lines 18-29, where objects in form of packets are sent from server to client, the objects are used for interface generation purposes) including the steps of supplementing a skeletal UI stored in a first memory location (Filepp, skeletal UI is interpreted as incomplete UI; Col. 9, lines 10-33, shows a template UI being populated by different objects, one object is an advertising object) with one or more icons, labels or menu items, or combinations thereof (Filepp, Fig 3a, 4c, displays types of objects that are available to populate a template page) stored in a second memory location (Filepp, Col. 5, lines 15-25, where the objects can be stored locally or remotely), wherein the skeletal UI specifies a layout of the client-resident intermediate UI including respective locations of the one ore more icons, labels or menu items, or combinations thereof (Filepp, Col. 10, lines 46-57, where the format of the template is determined using page format objects 502), and wherein the first memory location and the second memory location are situated on said client device (Filepp, Col. 5, lines 15-25), the skeletal UI and one ore more icons, labels and menu items being independently updateable from one another (Filepp, Col. 9, lines 10-35, where individual objects update their respective fields on the page); receiving, at said client device, a number of source data items related to said server-based application (Filepp, Col. 10, lines 15-30); and populating at least one native UI control used by said UI with said number of source data items (Filepp, Col. 9, lines 10-33; Col. 12, lines 8-17).

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However, Filepp does not explicitly say generating according to a UI format that is based upon a number of device capabilities for said client device.

Kikinis teaches generating according to a UI format that is based upon a number of device capabilities for said client device (Kikinis, Col. 2, lines 48-51; Col. 10, lines 20-33, where proxy-server format the data according to the end device's capabilities).

It would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate Kikinis teaching with Filepp because the combination would improve the efficiency of Filepp's systems by using the proxy-server rather than the field devices, (Filepp, Col. 3, lines 40-45).

The combination of Filepp and Kikinis does not teach a client device operating system, a client maximum receivable packet size, and a list of available client device native UI controls.

Makipaa, on the other hand, teaches a client device operating system, a client maximum receivable packet size, and a list of available client device native UI controls (see Makipaa, col.3, lines 2-11, lines 14-52; col.7, lines 51-67).

It would have been obvious to one with ordinary skill in the art at time the invention was made to combine the teaching of Makipaa to the method of Filepp-Kikinis to include client capabilities such as device operating system, a client maximum receivable packet size, and a list of available client device native UI controls, because by knowing the client capabilities, would allow the server to deliver appropriate format based on the characteristic of client device (see Makipaa, col.2, lines 24-67).

As regarding claim 2, Filepp -Kikinis-Makipaa disclose the invention substantially as rejected in claim 1 above, including said at least one native UI control is associated with the operating system for said client device (Filepp, Col. 4, lines 55-60; Fig 3a, item 290, where the commands are associated with operating system on network device RS 400, the operating system are running each page).

As regarding claim 3, Filepp -Kikinis-Makipaa disclose the invention substantially as rejected in claim 1 above, including generating an action request in response to a manipulation of said UI by a user of said intermediate client device (Filepp, Col. 7, lines 27-30); and updating said intermediate UI in response to said action request (Filepp, Col. 7, lines 27-41).

As regarding claim 4, Filepp -Kikinis-Makipaa disclose the invention substantially as rejected in claim 1 above, including performing an offline action by said client device while said client device operates in a disconnected mode (Filepp, Col. 8, lines 47-61, where the sessions are established via modem, meaning there is no constant connection between client and server; Col. 84, lines 49-60, local storage is checked first for requested object, if not found a remote session is established to the server side for retrieval); subsequently establishing a session between said client device and said UI server (Filepp, Col. 8, lines 47-61; Col. 84, lines 49-60); and thereafter transmitting, from said client device to said UI server, a command indicative of said offline action (Filepp, Col. 84, lines 49-60; the command is at least in part a GET command to the server side in an attempt to retrieve the objects).

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As regarding claim 5, Filepp -Kikinis-Makipaa disclose the invention substantially as rejected in claim 1 above, including saving said number of source data items in a client cache resident at said client device (Filepp, Col. 5, lines 20-25).

As regarding claim 6, Filepp -Kikinis-Makipaa discloses the invention substantially as rejected in claim 5 above, including removing client cache items to accommodate said number of source data items (Filepp, Col. 6, lines 14-20).

As regarding claim 7, Filepp -Kikinis-Makipaa disclose the invention substantially as rejected in claim 6 above, including said removing step selectively removes said client cache items according to a hierarchical preference scheme (Filepp, Col. 85, lines 30-40, LRU algorithm is used to maintain cache items)

As regarding claim 8, Filepp -Kikinis-Makipaa disclose the invention substantially as rejected in claim 1 above, including receiving, at said client device, a client action command related to said server-based application (Filepp, Col. 84, lines 50-60); and executing said client action command by said client device (Filepp, Col. 10, lines 30-57).

As regarding claim 9, Filepp-Kikinis-Makipaa disclose the invention substantially as rejected in claim 1 above, including said number of source data items received during said receiving step represent a portion of a larger amount of related data available at a UI server (Filepp, Col. 7, lines 27-42; Col. 5, lines 20-25).

As regarding claim 10, Filepp-Kikinis-Makipaa disclose the invention substantially as rejected in claim 9 above, including said larger amount of related data comprises a list of items; and said number of source data items represents a subset of said list of items (Filepp, Col. 7, lines 25-42)

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As regarding claim 11, Filepp -Kikinis-Makipaa disclose the invention substantially as rejected in claim 9 above, including said larger amount of related data comprises a document (Filepp, Col. 10, lines 30-41, document is a page); and said number of source data items represents a portion of said document (Filepp, Col. 9, lines 10-33).

As regarding claim 12, Filepp-Kikinis-Makipaa disclose the invention substantially as rejected in claim 9 above, including said larger amount of related data comprises an image (Filepp, Fig 3a, item 255); and said number of source data items represents a portion of said image (Filepp, Fig 3a, item 280, 290).

As regarding claim 13, Filepp-Kikinis-Makipaa disclose the invention substantially as rejected in claim 9 above, including said larger amount of related data comprises a body of text (Filepp, Fig 3a, item 255); and said number of source data items represents a portion of said body of text (Filepp, Fig 3a, item 290).

As regarding claim 17, the claim is rejected for the same reasons as rejection to claim 1 above.

As regarding claim 18, Filepp-Kikinis-Makipaa disclose the invention substantially as rejected in claim 17 above, including receiving, at said client device, said number of source data items from a UI server (Filepp, Col. 84, lines 50-60).

As regarding claims 19-23, the claims are rejected for the same reasons as rejection to claims 3-7 above.

As regarding claim 24, Filepp-Kikinis-Makipaa disclose the invention substantially as rejected in claim 21 above, including updating said UI in response to a manipulation

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of a display control rendered by said client device (Filepp, Col. 7, lines 25-42); requesting an additional number of source data items if said manipulation of said display control triggers a data request command (Filepp, Col. 84, lines 49-60); and replacing source data items saved in said client cache with said additional number of source data items (Filepp, Col. 8, lines 28-40; Col. 6, lines 14-18).

As regarding claim 25, Filepp-Kikinis-Makipaa disclose the invention substantially as rejected in claim 21 above, including updating said UI in response to a manipulation of a display control rendered by said client device (Filepp, Col. 7, lines 25-42); retrieving additional source data items from said client cache in response to said manipulation of said display control (Filepp, Col. 5, lines 20-25); and displaying said additional source data items in said UI (Filepp, Fig 3; Col. 9, lines 10-32).

As regarding claim 26, the claim is rejected for the same reasons as rejection to claim 8 above.

As regarding claim 27, Filepp -Kikinis-Makipaa disclose the invention substantially as rejected in claim 17 above, including said UI form definition is dictated by said server-based application (Filepp, Col. 5, lines 20-25; Col. 7, lines 25-42).

As regarding claim 28, Filepp -Kikinis-Makipaa disclose the invention substantially as rejected in claim 17 above, including at least one of the controls identified by said UI form is a native UI control stored locally at said client device (Filepp, Col. 5, lines 20-25).

As regarding claim 29, the claim is rejected for the same reasons as rejection to claim 9 above.

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As regarding claim 30, Filepp -Kikinis-Makipaa disclose the invention substantially as rejected in claim 29 above, including said client device generating a request for additional source data items (Filepp, Col. 84, lines 50-60); and said client device receiving, from said UI server, a subsequent portion of said total number of source data items (Filepp, Col. 84, lines 50-60).

As regarding claim 31, Filepp-Kikinis-Makipaa discloses the invention substantially as rejected in claim 30 above, including said client device generates said request in response to a manipulation of said UI control (Filepp, Col. 84, lines 50-60).

As regarding claim 32, the claim is rejected for the same reasons as rejection to claim 1 above.

As regarding claim 33, the claim is rejected for the same reasons as rejection to claim 5 above.

As regarding claim 34, the claim is rejected for the same reasons as rejection to claim 25 above.

As regarding claim 35, the claim is rejected for the same reasons as rejection to claim 24 above.

As regarding claim 36, the claim is rejected for the same reasons as rejection to claim 1 above.

As regarding claims 37-39, the claims are rejected for the same reasons as rejection to claim 5-7 above.

As regarding claims 40-41, the claims are rejected for the same reasons as rejection to claim 24-25 above.

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As regarding claim 42, Filepp-Kikinis-Makipaa disclose the invention substantially as rejected in claim 36 above, including said receive module is further configured to receive said number of source data items from a remote UI server (Filepp, Col. 84, lines 50-60, where modems are the receive modules).

As regarding claim 43, Filepp -Kikinis-Makipaa disclose the invention substantially as rejected in claim 36 above, including said receive module is further configured to receive said UI form definition from a remote UI server (Filepp, Col. 5, lines 20-25; Col. 84, lines 50-60, where the data objects are stored remotely on a server and sent to the client upon client request).

As regarding claim 44, Filepp-Kikinis-Makipaa disclose the invention substantially as rejected in claim 36 above, including said UI form definition is based upon a number of device capabilities for said client device (Kikinis, Col. 2, lines 48-51; Col. 10, lines 20-33, where proxy-server format the data according to the end device's capabilities).

As regarding claims 45-49, the claims are rejected for the same reasons as rejection to claims 1, 5-7, 24 above respectively.

As regarding claim 50, the claim is rejected for the same reasons as rejection to combination of claims 24 and 32 above.

As regarding claims 51-53, the claims are rejected for the same reasons as rejection to claims 29, 27 and 32 above respectively.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Filepp-Kikinis-Makipaa, in view of what was well known in the art.

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As regarding claims 14-15, Filepp-Kikinis-Makipaa discloses the invention substantially as rejected in claim 1 above, but does not explicitly say a command script.

Official Notice is taken (see MPEP 2144.03) command script is well known and routinely used for batching of commands at the time of the invention was made.

It would have been obvious to one of ordinary skill in the art to include command script with Filepp because it would provide for additional efficiency as provided by scripts, by include plurality of commands within the scripts, clients can automate the system for efficiency gains through command scripts.

As regarding claim 16, Filepp -Kikinis-Makipaa disclose the invention substantially as rejected in claim 1 above, said executing step is performed by said client device in response to an offline manipulation of said UI control at said client device (Filepp, Col. 84, lines 50-60).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-53 have been considered but are moot in view of the new ground(s) of rejection.

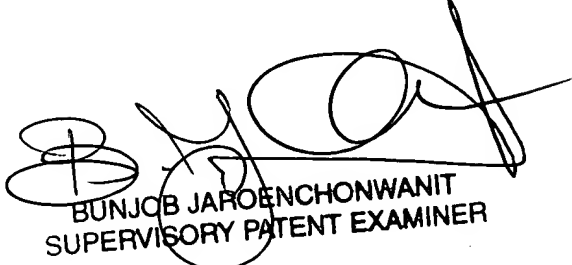
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner  
Duyen Doan  
Art unit 2152



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER